



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

October 27, 2011

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Division of Highways
OCT 31 2011
Preconstruction
Project Development and
Environmental Analysis Branch

Gregory J. Thorpe, Ph.D.
North Carolina Department of Transportation
Project Development and Environmental Analysis
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

This letter is in response to your letter of October 14, 2011 which provided the U.S. Fish and Wildlife Service (Service) with the biological conclusion of the North Carolina Department of Transportation (NCDOT) that the Hurricane Irene related emergency NC 12 repair work in Dare County may have affected, but likely did not adversely affect the federally threatened piping plover (*Charadrius melodus*). These comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Hurricane Irene severely damaged portions of NC 12 on Pea Island, causing breaches in the road within the Pea Island National Wildlife Refuge (PINWR) and also just north of Rodanthe. To repair the damage, NCDOT dredged sand within the surf zone along each breach and placed large sandbags along portions of the NC 12 right-of-way. The breach was filled and the road resurfaced at the Rodanthe site. A temporary bridge was constructed at the PINWR site.

According to your submitted information, NCDOT biologists monitored the work sites from September 13 through October 5, 2011 for the duration of the dredging operation. NCDOT biologists conducted surveys daily prior to work resumption and throughout the day. Only one piping plover was observed, but it was over one half mile from any construction.

Based on the monitoring results and other available information, the Service concurs with your conclusion that the emergency work may have affected, but likely did not adversely affect the piping plover. We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,


for Pete Benjamin
Field Supervisor

Electronic copy: Bill Biddlecome, USACE, Washington, NC
Travis Wilson, NCWRC, Creedmoor, NC
Chris Militscher, USEPA, Raleigh, NC
John Sullivan, FHWA, Raleigh, NC